



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2305974  
**Applicant Name:** Mark Travers for Mel Guy  
**Address of Proposal:** 5130 South Roxbury Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into two unit lots in an environmentally critical area. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses has been approved under project #9103173.

The following approval is required:

**Unit Lot Subdivision** - To subdivide one existing parcel into two unit lots.  
(Chapter 23.24.045 Seattle Municipal Code)

**SEPA – Environmental Determination** – Chapter 25.05, Seattle Municipal Code

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading or demolition, or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site Description**

This 7,800 sq. ft. site is zoned Lowrise 1 (L1). The site is located four lots east of the intersection of South Roxbury Street and Renton Avenue South in southeast Seattle. The lot is developed with a two unit townhouse structure which was constructed under project number 9103173. This site is located in a mapped critical area due to a steep slope, a potential landslide area, and a riparian corridor. The existing townhouse structure is partially constructed within the 25 foot steep slope buffer. The riparian corridor buffer at the rear of the site is a steep slope and is heavily vegetated with trees and native vegetation. The street is developed with curbs and sidewalks.

### Area Development

Development in the vicinity consists primarily of single family residences on lots of varying shapes and sizes. The heavy volume of traffic along Renton Avenue South and South Roxbury Street produces vehicle noise and airborne particulates in the vicinity.

### Proposal

The proposal is to short subdivide one platted lot into two unit lots. Each lot would have the following lot areas: Parcel A – 3,996 sq. ft. and Parcel B – 3,804 sq. ft. Both Parcels A and B would have vehicle access from South Roxbury Street.

### Comment

No comment letters were received during the comment period which ended September 24, 2003.

### **ANALYSIS – UNIT LOT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing.*

Based on information provided by the applicant, referral comments from the Access and Drainage Section, Water, and Fire Departments, Seattle City Light, and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. There is no minimum lot size in Lowrise 1 zones. Section 23.24.045B of the Land Use Code provides that if the development as a whole meets development standards, development on individual unit lots may be non-conforming as to some or all of the development standards, except that private usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves. Therefore, the short plat satisfies the Land Use Code provisions.
2. Parcels A and B would have only five feet of vehicular access from South Roxbury Street to the existing garages in each unit. A vehicle access easement will be required so that the unit on each lot can access parking from a ten foot wide curb cut. The street is hard surfaced and has curbs and sidewalks. The Fire Department has indicated that the proposal will allow adequate emergency vehicle access to all parcels. In addition, a standard fire hydrant is located across the street near the intersection of Renton Avenue South and South Roxbury Street, which will provide ready access to a standard gauge and pressure watermain to accommodate adequate fire response to all six Parcels. City Light indicated that the proposed parcels will have adequate access to electrical utilities with the provision of an easement.
3. Drainage, water supply and sanitary sewage disposal issues are as follows:

An existing service drain, discharging through the curb on South Roxbury Street, now serves both units. The proposed unit lot B legal description includes "Subject to side sewer easement recording number 9006152438." The application materials submitted for this project do not indicate if the side sewer easement is adequate to allow for access to proposed unit lot B by the owners of proposed unit lot A for maintenance and repair of the service drain serving the structure on proposed unit lot A.

There is an existing standard 16-inch water main in South Roxbury Street.

An existing single sidesewer, discharging to an eight (8) inch public sanitary-only sewer (PSS) in South Roxbury Street, now serves both units. The proposed unit lot B legal description includes "Subject to side sewer easement recording number 9006152438." The application materials submitted for this project do not indicate if the side sewer easement is adequate to allow for access to proposed unit lot B by the owners of proposed unit lot A for maintenance and repair of the side sewer serving the structure on proposed unit lot A. The easement recorded under number 9006152438 should be submitted for reading and verification that it will serve the purpose of allowing adequate maintenance and repair of the side sewer and service drain serving proposed unit lot A. If the easement is found to be inadequate, a new easement shall be prepared and approved by this department's drainage review staff and the Land Use Planner prior to recording of the unit lot subdivision.

4. The objective of the multi-family zone is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character. This short plat will sensitively increase the scale and

intensity of development in the neighborhood while also attempting to minimize the impacts on existing character. The proposed short subdivision will meet all minimum Land Use Code provisions and will have adequate access for vehicles, utilities and fire protection, as well as adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood.

5. The proposed subdivision is located in an environmentally critical area so the unit lot subdivision is subject to the provisions of the Environmentally Critical Areas Ordinance. A topographic survey with an environmentally critical areas delineation and buffer has been submitted with this application along with the geotechnical report which was reviewed for the permit to construct the two unit structure in 1991. However, no construction is proposed under this unit lot subdivision and no environmentally critical areas will be disturbed under this application. Therefore, no additional environmentally critical areas review is required for this unit lot subdivision.
6. There are 27 existing trees on the site. A site plan including the name, diameter, and quantity of each tree was submitted with the unit lot subdivision application. No trees will be removed as part of this unit lot subdivision because the structure is already existing and no construction is proposed under this application. Therefore, the unit lot subdivision has been designed to maximize the retention of trees.
7. The proposal is a unit lot subdivision. The development as a whole meets all the development standards and the open space for each dwelling unit is provided on the same lot as the dwelling unit it serves. Access easements and joint use and maintenance agreements will be required to be executed for future use and maintenance by each property owner. The required parking for each lot is provided on the same lot as each dwelling unit. It will be noted on the plat that the unit lot is not a separate building lot and that application of development standards to the parent lot may limit additional development of the individual unit lots.

### **DECISION - UNIT LOT SUBDIVISION**

The proposed unit lot subdivision is **CONDITIONALLY GRANTED**.

### **ANALYSIS – SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated September 2, 2003) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation: subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered. A more detailed discussion of the potential impacts from this short plat follows.

#### Short-Term and Long-Term Impacts

The two unit structure is existing and no construction is proposed for this unit lot subdivision application. Therefore, no short-term or long-term impacts are anticipated as a result of approval of the unit lot subdivision.

#### Earth

The site is located in a mapped environmentally critical area due to steep slopes, potential slide area, and riparian corridor. The unit lot subdivision application would create two lots from the existing lot by creating a new lot line between the lots. No construction is proposed for the unit lot subdivision and there will be no ground disturbance of the site so no impacts to the earth are expected.

#### Plants and Animals

There are trees and vegetation on the rear of the site which provide a habitat for birds and urban wildlife such as raccoons, squirrels, and other rodents. The site is connected to a greater habitat system in the heavily treed and vegetated riparian corridor system in this area. The environmentally critical areas regulations for the riparian corridor buffer provides some habitat protection. No construction is proposed with this unit lot subdivision. Therefore, no impacts to plants and animals are anticipated.

#### Summary

In conclusion, several adverse effects on the environment are anticipated from the proposal. However, specific impacts identified in the foregoing analysis have been mitigated by existing codes and ordinances, per adopted City policies. Therefore, no additional SEPA conditions have been imposed on this short plat.

## **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determine to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)©.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)©.

## **CONDITIONS - UNIT LOT SUBDIVISION**

### Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Submit the recording fee and final recording forms for approval. See changes suggested by the land use planner and reconcile the changes to the planner's satisfaction.
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "*For conditions of approval after recording see page \_\_\_\_ of \_\_\_\_*". If necessary, renumber the pages.
3. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
4. Provide an easement for electrical facilities to the satisfaction of Seattle City Light. Added to the plat shall be the following statement: "*An easement is granted to Seattle City Light as shown on page \_\_\_\_ of \_\_\_\_*".
5. Add a note on the plat that the unit lot is not a separate building lot and that application of development standards to the parent lot may limit additional development of the individual unit lots.

6. Submit a copy of the easement recorded under number 9006152438 to the Land Use Planner for reading and verification that it will serve the purpose of allowing adequate maintenance and repair of the side sewer and service drain serving proposed unit lot A. If the easement is found to be inadequate, a new easement shall be prepared and approved by this department's drainage review staff and the Land Use Planner prior to recording of the unit lot subdivision.
7. Submit a joint use and maintenance agreement for the future use and maintenance of the structure and property by each current and future property owner.
8. Provide a vehicle access easement so that the unit on each lot can access the parking from the ten foot wide curb cut.

Signature: (signature on file) Date: February 16, 2004  
Malli J. Anderson, Land Use Planner  
Department of Planning and Development  
Land Use Services